



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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নং ৪৫ দিশপুৰ, সোমবাৰ, ১৩ ফেব্ৰুৱাৰী, ২০১৭, ২৪ মাঘ, ১৯৩৮ (শক)

No. 45 Dispur, Monday, 13th February, 2017, 24th Magha, 1938 (S.E.)

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

## NOTIFICATION

The 13th February, 2017

No.LLE 12/2017/58.- The following Bills introduced before the House **on 13<sup>th</sup> February, 2017** together with the Statement of Objects and Reasons are to be published under Rule 71 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for General information.

**THE ASSAM VALUE ADDED TAX (AMENDMENT) BILL, 2017****A  
BILL**

further to amend the Assam Value Added Tax Act, 2003.

**Preamble**

Whereas it is expedient to amend the Assam Value Added Tax Act, 2003, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam  
Act  
VIII of  
2005.

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows: -

**Short title, extent  
and commence-  
ment.**

- 1.(1) This Act may be called the Assam Value Added Tax (Amendment) Act, 2017.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

**Amendment of  
section 10.**

2. In the principal Act, in section 10, —
  - (i) in sub-section (1C), for the punctuation mark "." appearing at the end, the punctuation mark ":" shall be substituted and thereafter the following provisos shall be inserted, namely:—
 

"Provided that a wholesale warehouse licensee shall not purchase from another wholesale warehouse licensee or make sale to another wholesale warehouse licensee within the State:

Provided further that if the importer is a 'company wholesale warehouse' within the meaning of the Assam Excise Rules, 2016, such 'company wholesale warehouse' can make sale to a wholesale warehouse licensee or to a retail licensee within the State.";
  - (ii) after sub-section (1D), the following new sub-section (1E) shall be inserted, namely:-
 

"(1E) Notwithstanding anything contained in this Act, in case of potable liquor mentioned in the Fourth Schedule, except country spirit, a Canteen Stores Depot bonded warehouse (CSD), which sells such items to a Unit Run Canteens (URCs) or any other person, shall be deemed to be the first point seller liable to pay tax on such sale, irrespective of whether such Canteen Stores Depot bonded warehouse (CSD) imports such items from outside the State or purchases such items from a manufacturer/bottling unit/distilleries/breweries within the State.

**STATEMENT OF OBJECTS AND REASONS**

The Bill seeks to make some amendments in certain provisions of the Assam Value Added Tax Act, 2003.

2. The existing mechanism under the Assam VAT Act, 2003 and the Assam Excise Act ensures synchronization in collection of VAT and Excise duty on sale of liquor in the State. However, the Excise Department has recently brought some changes in the Excise Rules. The amendments in Excise Rules have sought to restore the status of 'bonded warehouse for CSD Canteens' so that they can import liquor from other State or procure liquor from a bottling unit within the State without prepayment of excise duty and to introduce the concept of 'company wholesale warehouse' to enable the out-state manufacturer having warehouse in Assam to make sale of liquor to a whole sale warehouse licensee or a retail licensee within Assam.
3. The above changes in Excise Rules have necessitated corresponding changes in the Assam VAT Act, 2003.
4. Clause 2 of the Bill seeks to amend sub-section (1C) of section 10 by way of insertion of provisos to make it explicit that a wholesale licensee cannot sell to another wholesale licensee and that a 'company wholesale warehouse' can make sale of liquor to a wholesale warehouse licensee or to a retail licensee.

Clause 2 further seeks to insert a new sub-section (1E) in section 10 to enable Canteen Stores Depot bonded warehouse (CSD) to import liquor from other State or procure liquor from a manufacturer/bottling unit within the State without prepayment of VAT. CSD will be liable to pay VAT when they sell IMFL to Unit Run Canteens (URCs) in Assam.

5. The Bill seeks to achieve above objects.

**HIMANTA BISWA SARMA**

(Minister, Finance)

**M. K. DEKA,**

Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

The proposed changes would not involve any additional expenditure as the same will be administered by the existing staff.

**MEMORANDUM OF DELEGATED LEGISLATION**

The Government does not propose to delegate any legislative power to any agency subordinate to it in the bill.

Existing provision	Proposed Amended provision
<p><b><u>10. Levy of tax on sales:</u></b></p> <p>(1C) Notwithstanding anything contained in this Act, in case of potable liquor mentioned in the Fourth Schedule, except country spirit, if the first sale of such items is made by an importer/wholesale warehouse licensee inside the State, he shall be liable to pay tax on sale of such items. Such importer/wholesale warehouse licensee shall, before importing a consignment of liquor inside the State, deposit an amount in advance equivalent to the amount of tax on the estimated sale price of such liquor. In the case of stock transfer, no gross profit shall be considered for the purpose of computing the estimated sale price. Such amount shall be deposited into the Government Account in the prescribed manner by a separate challan and one copy of such challan, along with the challan showing pre-payment of excise duty, shall be handed over to the State Excise Authority before issuance of 'import permit' of liquor.</p> <p>The importer/wholesale warehouse licensee shall, however, be eligible to take credit of the advance amount paid during a month against the tax liability arising on the sale of liquor made during the same month while furnishing the relevant tax return.</p> <p>(1D) Notwithstanding anything contained in this Act, a wholesale warehouse licensee or any other dealer, who purchases such items from a manufacturer/bottling unit/distilleries/breweries (referred to as seller) and is liable to pay tax on his purchase or an importer/wholesale warehouse licensee, who is liable to pay tax on his sale, under this section, as the case may be, may, at his option, pay tax on Maximum Retail Price (MRP) basis without any deduction, at the rate specified in entry 10A of the Fourth Schedule, in lieu of tax payable on actual sale price at the rate specified in entry 10 of the Fourth Schedule. Once an option is exercised, it shall be binding for that year and subsequent years, until such dealer withdraws his option in writing.</p>	<p><b><u>10. Levy of tax on sales:</u></b></p> <p>(1C) Notwithstanding anything contained in this Act, in case of potable liquor mentioned in the Fourth Schedule, except country spirit, if the first sale of such items is made by an importer/wholesale warehouse licensee inside the State, he shall be liable to pay tax on sale of such items. Such importer/wholesale warehouse licensee shall, before importing a consignment of liquor inside the State, deposit an amount in advance equivalent to the amount of tax on the estimated sale price of such liquor. In the case of stock transfer, no gross profit shall be considered for the purpose of computing the estimated sale price. Such amount shall be deposited into the Government Account in the prescribed manner by a separate challan and one copy of such challan, along with the challan showing pre-payment of excise duty, shall be handed over to the State Excise Authority before issuance of 'import permit' of liquor.</p> <p>The importer/wholesale warehouse licensee shall, however, be eligible to take credit of the advance amount paid during a month against the tax liability arising on the sale of liquor made during the same month while furnishing the relevant tax return:</p> <p><b>Provided that a wholesale warehouse licensee shall not purchase from another wholesale warehouse licensee or make sale to another wholesale warehouse licensee within the State:</b></p> <p><b>Provided further that if the importer is a 'company wholesale warehouse' within the meaning of the Assam Excise Rules, 2016, such 'company wholesale warehouse' can make sale to a wholesale warehouse licensee or to a retail licensee within the State.</b></p> <p>(1D) Notwithstanding anything contained in this Act, a wholesale warehouse licensee or any other dealer, who purchases such items from a manufacturer/bottling unit/distilleries/breweries (referred to as seller) and is liable to pay tax on his purchase or an importer/wholesale warehouse licensee, who is liable to pay tax on his sale, under this section,</p>

	<p>as the case may be, may, at his option, pay tax on Maximum Retail Price (MRP) basis without any deduction, at the rate specified in entry 10A of the Fourth Schedule, in lieu of tax payable on actual sale price at the rate specified in entry 10 of the Fourth Schedule. Once an option is exercised, it shall be binding for that year and subsequent years, until such dealer withdraws his option in writing.</p> <p><b>(1E) Notwithstanding anything contained in this Act, in case of potable liquor mentioned in the Fourth Schedule, except country spirit, a Canteen Stores Depot bonded warehouse (CSD), which sells such items to a Unit Run Canteens (URCs) or any other person, shall be deemed to be the first point seller liable to pay tax on such sale, irrespective of whether such Canteen Stores Depot bonded warehouse (CSD) imports such items from outside the State or purchases such items from a manufacturer / bottling unit / distilleries / breweries within the State. The Unit Run Canteens (URCs) or any other person while depositing the excise duty shall also deposit the tax payable under this Act into the Government Account, on behalf of the Canteen Stores Depot bonded warehouse (CSD), in the prescribed manner by a separate challan and hand over one copy of the challan to the Canteen Stores Depot bonded warehouse:</b></p> <p><b>Provided that such Canteen Stores Depot bonded warehouse (CSD) inside the State shall not be allowed to make purchase from a wholesale warehouse licensee or to make sale to a wholesale warehouse licensee.</b></p>
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**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM MOTOR VEHICLES TAXATION (AMENDMENT) BILL, 2017****A  
BILL**

further to amend the Assam Motor Vehicles Taxation Act, 1936

**Preamble**

Whereas it is expedient further to amend the Assam Motor Vehicles Taxation Act, 1936, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

**Assam  
Act IX  
of  
1936.**

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :-

**Short title, extent  
and commence-  
ment.**

1.(1) This Act may be called the Assam Motor Vehicles Taxation (Amendment) Act, 2017.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

**Amendment of  
Schedules.**

2. In the principal Act,-

(i) in the Schedule I,-

(a) for the existing Article No. 1(B), the following shall be substituted, namely :-

**"ARTICLE No. 1 (B) : One Time Tax (OTT) – On Non-Transport (Personalized) two & three wheeler vehicles :**

Sl. No.	Description of vehicle	Rate of OTT	Mode of payment
1.	2 & 3 wheeler (Personalized) vehicles.	6% of the original cost less VAT	In one single installment at the time of Registration.
2.	Old vehicles required to be registered in Assam on Transfer from other State.	(i) OTT to be fixed after allowing a depreciation @ 7% per annum of tax payable for a new vehicle of the same category at the current cost price, if the age of the vehicle is below 5 years; (ii) 10% per annum depreciation, if the age of the vehicle is in between 5 to 10 years; (iii) 12% per annum depreciation, if the age of the vehicle is above 10 years.	In one installment.

(b) in Article No. 1(C), after the table, the following shall be inserted, namely :-

“Note:

1. The purchaser of personalized vehicles costing more than Rs. 6 lakh who prefer payment of one-time tax in slabs, shall have to pay the onetime tax for remaining period immediately after expiry of the taxes paid; failing which a fine of Rs. 100/- per day shall be levied from the due date for payment of tax.
2. In case of non-transport (personalized) vehicles, (2,3 and 4 wheelers) after payment of one time tax (OTT) at a time or in two slabs (4 wheelers above cost price of Rs. 6 lakh), as the case may be, no payment of further tax shall be applicable; but renewal of registration shall have to be made under rule 52(1) of Central Motor Vehicles Rules, 1989 by paying required fee under rule 81 of Central Motor Vehicles Rules, 1989.
3. In case of non-transport (personalized) vehicles, taxes shall be levied from the date of sale of the vehicle by the dealer. On delay of registration for a period of more than 7 days from the date of sale of a vehicle a fine of Rs. 100/- per day shall be levied from the date of sale in case of both non transport and transport vehicle. Further, non payment of taxes on due date in case of both non transport and transport vehicle, fine of Rs. 100/- per day shall be levied from due date of tax payment.
4. Non transport (personalized) vehicles of the officers of the armed forces and Central Government/ Undertakings who are coming to the State temporarily on transfer in service are exempted from payment of motor vehicle tax provided he has paid the OTT of the vehicle in the other State.”

(c) in Article No. 1(D), the Note appearing after serial 3, shall be deleted.

(ii) in the Schedule II, after Article No. VII, the following new Article shall be inserted, namely :-

**"ARTICLE No. VII (A) :-** Ambulance and Dead Body carrying van, Hearse plying on hire/ reward (Commercial purpose).

The motor vehicle taxes on 4/6 wheeler Ambulance/ Dead body carrying van (plying on hire/ reward) shall be applicable on the basis of original cost of the vehicle as mentioned herein under:-



Sl. No.	Description of vehicle	Annual Tax (In Rs.)	Quarterly Tax (In Rs.)
(1)	(2)	(3)	(4)
1.	Original cost of the vehicle upto 3.00 Lakhs	4,000.00	1,000.00
2.	Original cost above 3.00 Lakhs & upto 5.00 Lakh	7,000.00	1,750.00
3.	Original cost above 5.00 Lakhs & upto 8.00 Lakhs	8000.00	2,000.00
4.	Original cost above 8.00 Lakhs	12,000.00	3,000.00

**STATEMENT OF OBJECTS AND REASONS**

The Bill seeks to amend certain provisions of the Assam Motor Vehicle Taxation Act, 1936.

2. It is proposed to enhance and levy motor vehicle taxes for mobilization of revenue and therefore amendment of Taxation Schedule-I (Article No. I (B), Article No. I (C), Article No. I (D), Schedule -II (Article No.VII (A)) of the Assam Motor Vehicle Taxation Act, 1936 is required.

Under the aforesaid reason it is proposed that the Taxation Schedule provided in the Principal Act be amended suitably to enhance and levy MV Taxes.

3. The Bill seeks to achieve above objects.

**CHANDRA MOHAN PATOWARY,**

Minister,

Transport Department.

**M. K. DEKA,**

Principal Secretary,

Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

There is no provision in the Bill which would involve the recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

**MEMORANDUM OF DELEGATED LEGISLATION**

The Bill does not involve the delegation of any legislative power to any agency subordinate to it in the bill.

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM ELECTRICITY DUTY (AMENDMENT AND VALIDATION)  
BILL, 2017**

**A  
BILL**

further to clarify and amend the Assam Electricity Duty Act, 1964 and to validate certain actions.

**Preamble**

Whereas under Article 246 of the Constitution of India, read with Entry 53 of List II of the Constitution of India the States have the plenary power to impose taxes on the consumption or sale of electricity; and

Whereas in the year 1964, the State of Assam enacted the Assam Electricity Duty Act, 1964 [hereinafter referred to as "the principal Act"] in order to levy a duty on the consumption or sale of electricity; and

Assam Act  
No.XXX of  
1964.

Whereas in the Preamble of the principal Act, it has been unequivocally stated that it has been enacted to levy a duty on the sale or consumption of electricity; and

Whereas section 3(1)(c) of the principal Act provides for levy of duty on captive consumption of electricity, i.e. on the consumption of electricity by a person generating it for own use or consumption; and

Whereas section 3(3) of the principal Act stipulates that the electricity duty under section 3 shall be computed and levied on the basis of the monthly consumption as shown in the electricity consumption meter; and

Whereas the levy of electricity duty under section 3(1)(c) is and has always been on the consumption of electricity by a person generating it for own use or consumption; and

Whereas the consumption of electricity by the same person who generates it would be liable to be taxed under the statutory provisions enacted in terms of Entry 53 of List II of the Constitution of India; and

Whereas in a recent judicial pronouncement, it has been held that section 3(1)(c) of the principal Act is ultra vires the Constitution of India and is beyond the legislative competence of the State; and

Whereas it has become necessary and expedient to clarify beyond all doubts and declare that the levy of electricity duty under section 3(1)(c) read with section 3(3) is and has always been on the consumption of electricity by the person generating it for its own consumption; and

Whereas as a matter of abundant caution, it has also become necessary and expedient to validate all actions taken in terms of section 3(1)(c) of the principal Act;

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows:-

- |                                       |    |   |
|---------------------------------------|----|---|
| Short title, extent and commencement. | 1. | (1) This Act may be called the Assam Electricity Duty (Amendment and Validation) Act, 2017.<br>(2) It shall have the like extent as the principal Act.<br>(3) It shall come into force at once.   |
| Amendment of Section 3.               | 2. | In the principal Act, in section 3, in sub-section (1), for clause (c), the following shall be deemed to have been substituted with effect from the 1 <sup>st</sup> day of April, 1965, namely:-<br><br>“(c) consumed by any person or any organization generating energy.”   |
| Validation                            | 3. | Notwithstanding anything contained in any judgment, decree or order of any Court or other authority to the contrary, electricity duty levied or collected or purported to have been levied or collected as the electricity duty under the Assam Electricity Duty Act, 1964, as amended from time to time, and all actions taken, things done, rules made, notifications issued or purported to have been taken, done, made or issued under the said Act shall, for all purposes, be deemed to be and to have always been validly levied, collected, taken, done, made or issued under the provisions of this Act, as if this Act were in force at all material times and accordingly, -<br><br>(a) no suit or other proceeding shall be maintained or continued in, or before any court, tribunal or other authority for the refund of any amount received or realized by way of such electricity duty;<br><br>(b) no Court, tribunal or other authority shall enforce any decree or order directing the refund of any amount received or realized by way of such electricity duty;<br><br>(c) any proceeding, act or thing which could have been validly taken, continued or done for the levy or collection of such electricity duty at any time under the provisions of the said Act but which had not been taken, continued or done, may be taken, continued or done. |

**STATEMENT OF OBJECTS AND REASONS**

The Bill seeks to clarify certain provision of the Assam Electricity Duty Act, 1964.

2. Section 3 of Assam Electricity Duty Act, 1964 provides for levy and collection of electricity duty @ 10 paise per unit of electric energy in two situations: firstly, when such energy is supplied by State Electricity Board or a licensee to a consumer; and secondly, when such energy is generated by a person/company/firm/ organization for own use or consumption.
3. The levy and collection of electricity duty on generation of electricity for own/captive consumption was challenged before the Hon'ble Gauhati High Court vide Writ Petition No.WP(C)710/2010, inter-alia. The Hon'ble High Court declared that the provision of section 3(1)(c), which provides for levy of electricity duty on generation for own consumption is constitutionally ultra-vires since Entry 55 of the State List of the Seventh Schedule to the Constitution empowers the State to levy electricity duty on consumption and not on generation thereof.
4. Entry 53 of the State List of the Seventh Schedule to the Constitution empowers the State to levy electricity duty on consumption of energy out of captive generation. The Preamble of the Assam Electricity Duty Act also provides for levy of electricity duty on consumption and sale of electricity. In terms of provision of section 3(1)(c), levy of electricity duty is not attracted mere on generation but the duty gets attracted only when there is own (captive) generation as well as consumption of electrical energy. So, even under the existing provision, the electricity duty is not leviable unless there is consumption of electricity. However, in view of the Hon'ble Court's order it has become necessary to clarify the correct position of the existing provision by brining a clarificatory amendment in provision of section 3(1)(c). Further, it is also proposed to bring a validating provision to overcome the effect of court's judgment.
5. Clause 2 seeks to make clarificatory amendment in clause (c) of sub-section (1) of section 3 to reiterate the legal position that electricity duty is leviable on consumption out of own generation.
6. Clause 3 seeks to enact a validating provision in order to remove / alter the basis on which the judgment of the Hon'ble High Court has been rendered.
7. The Bill seeks to achieve above object.

**HIMANTA BISWA SARMA**  
(Minister, Finance)

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

The proposed changes would not involve any additional expenditure as the same will be administered by the existing staff.

**MEMORANDUM OF DELEGATED LEGISLATION**

The Government does not propose to delegate any legislative power to any agency subordinate to it in the bill.

**THE ASSAM ELECTRICITY DUTY ACT, 1964**

Existing provision	Proposed Amended provision
<p><b><u>Levy of electricity duty</u></b></p> <p>3. (1) There shall be levied and paid to the State Government a duty, to be called the "electricity duty", at the rate of ten paise per unit of energy,-</p> <p>(a) Supplied by the Board to a consumer within the State or to any consumer outside the State, or</p> <p>(b) supplied to the consumer by a licensee generating energy or procuring in bulk from the Board; or</p> <p>(c) generated by a person or a company or a firm or any organisation for own use or consumption.</p>	<p><b><u>Levy of electricity duty</u></b></p> <p>3. (1) There shall be levied and paid to the State Government a duty, to be called the "electricity duty", at the rate of ten paise per unit of energy,-</p> <p>(a) Supplied by the Board to a consumer within the State or to any consumer outside the State, or</p> <p>(b) supplied to the consumer by a licensee generating energy or procuring in bulk from the Board; or</p> <p><b>(c) consumed by any person or any organization generating energy.</b></p>

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.



**THE ASSAM REPEALING (No. 1) BILL, 2017****A  
BILL**

to repeal the Assam Workmen's Protection Act, 1984 and the Assam Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1985.

**Preamble**

Whereas it is expedient to repeal the Assam Workmen's Protection Act, 1984 and the Assam Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1985.

**Assam Act.  
No.I of 1984  
and Assam  
Act No. IX of  
1994.**

It is hereby enacted in the Sixty-eighth year of the Republic of India as follows :-

**Short title, extent  
and  
commencement.**

- 1 (1) This Act may be called the Assam Repealing (No. 1) Act, 2017
- (2) It extends to the whole of the State of Assam.
- (3) It shall come into force at once.

**Repeal of Assam  
Act No. I of  
1984 and Assam  
Act No. IX of  
1994.**

- 2 The Assam Workmen's Protection Act, 1984 and the Assam Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1985, shall stand repealed from the date of commencement of this Act.

**Assam Act.  
No.I of 1984  
and Assam  
Act No. IX of  
1994.**

**Savings**

- 3 The repeal by this Act of the enactments mentioned in section 2 shall not effect the validity, invalidity, effect or consequences of anything, if already done or suffered under the enactments so repealed.

**THE SECHDULE**

[See Section 2]

<b>Year</b> <b>[1]</b>	<b>Act No.</b> <b>[2]</b>	<b>Short title</b> <b>[3]</b>	<b>Extent of Repeal</b> <b>[4]</b>
1984	I	The Assam Workmen's Protection Act, 1984	The whole Act.
1994	IX	The Assam Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1985.	The whole Act.

**STATEMENT OF OBJECTS AND REASONS**

The salient feature of the Act is to repeal the obsolete and redunant laws which have lost their significance. Alltogether 2 (two) numbers of Acts pertaining to the State of Assam have been identified and repealed.

Therefore, Labour Welfare Department proposes for adoption of the Repeal Act, 2017 repealing the 2(two) numbers of Act as speicified in schedule indicated in Section of the proposed bill.

**PALLAB LOCHAN DAS**

(Minister in-charge)

**M. K. DEKA,**

Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

There is no financial involvement in the proposed bill.

**MEMORANDUM OF DELEGATED LEGISLATION**

There is no delegation of legislative powers to the executive in the proposed bill.

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM TAXATION (LIQUIDATION OF ARREAR DUES)  
(AMENDMENT) BILL, 2017**

**A  
BILL**

further to amend the Assam Taxation (Liquidation of Arrear Dues) Act, 2005.

**Preamble.**

Whereas it is expedient further to amend the Assam Taxation (Liquidation of Arrear Dues) Act, 2005, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam  
Act XI  
of 2005.

It is hereby enacted in the Sixty-eighth Year of the Republic of India as follows: -

**Short title, extent  
and commence-  
ment.**

1. (1) This Act may be called the Assam Taxation (Liquidation of Arrear Dues) (Amendment) Act, 2017.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

**Amendment of  
section 2.**

2. In the principal Act, in section 2, in sub-section (1), in clause (b) for the words and figure "31<sup>st</sup> March, 2016", appearing after the words "relevant Acts passed on or before", the words and figure "31<sup>st</sup> December, 2016" shall be substituted.

**Amendment of  
section 4.**

3. In the principal Act, in section 4, for the words and figure "31<sup>st</sup> March, 2016", appearing after the words "levied against him on or before", the words and figure "31<sup>st</sup> December, 2016" shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

The Bill seeks to restructure certain provisions of the Assam Taxation (Liquidation of Arrear Dues) Act, 2005 for the purpose of clearing up the long outstanding dues under various taxation Acts.

2. Some of the important amendments which are proposed to be made are explained broadly as follows:

(i) Clause 2 seeks to amend clause (b) of sub-section (1) of section 2 to cover those cases whose date of passing of the statutory order is upto 31<sup>st</sup> December, 2016.

(ii) Clause 3 of the Bill seeks to amend section 4 so as to include those cases in the eligibility criteria whose date of passing of the statutory order is upto 31<sup>st</sup> December, 2016.

3. The Bill seeks to achieve above object.

**HIMANTA BISWA SARMA**

(Minister, Finance)

**M. K. DEKA,**

Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

The proposed changes would not involve any additional expenditure as the same will be administered by the existing staff.

**MEMORANDUM OF DELEGATED LEGISLATION**

The Government does not propose to delegate any legislative power to any agency subordinate to it in the bill.

**THE ASSAM TAXATION (LIQUIDATION OF ARREAR DUES) ACT, 2005.**

Existing provision	Proposed Amended provision
2.(1)(b)“Outstanding dues of arrear tax, penalty and interest” means unpaid amounts as on the date of coming into force of this Act on account of tax, interest and penalty by an applicant as per statutory orders for periods <b>upto 31<sup>st</sup> March 2015 under any provision of the relevant Acts passed on or before 31<sup>st</sup> March 2016</b> or by such later date as the State Government may, by notification in the Official Gazette, specify from time to time and also includes further calculable interest on the involved principal amounts upto the date of application within the meaning of section 5 of this Act;	2.(1)(b) “Outstanding dues of arrear tax, penalty and interest” means unpaid amounts as on the date of coming into force of this Act on account of tax, interest and penalty by an applicant as per statutory orders for periods upto 31 <sup>st</sup> March 2015 under any provision of the relevant Acts passed on or before 31 <sup>st</sup> December, 2016 or by such later date as the State Government may, by notification in the Official Gazette, specify from time to time and also includes further calculable interest as per the relevant Acts on the involved principal amounts upto the date of application within the meaning of section 5 of this Act;
4. Subject to other provisions of this Act, an applicant shall be eligible to make an application under this Act for all his outstanding dues in respect of amounts assessed for the <b>periods upto 31<sup>st</sup> March, 2015 and levied against him on or before 31<sup>st</sup> March, 2016</b> but not lying in dispute before any statutory forum or the Hon’ble Gauhati High Court or the Hon’ble Supreme Court of India as on the date of application under the Act.	4. Subject to other provisions of this Act, an applicant shall be eligible to make an application under this Act for all his outstanding dues in respect of amounts assessed for the periods upto 31 <sup>st</sup> March, 2015 and levied against him on or before 31 <sup>st</sup> December, 2016 but not lying in dispute before any statutory forum or the Hon’ble Gauhati High Court or the Hon’ble Supreme Court of India as on the date of application under the Act.

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.



**THE ASSAM AGRICULTURAL INCOME TAX (AMENDMENT) BILL, 2017****A  
BILL**

further to amend the Assam Agricultural Income Tax Act, 1939.

**Preamble**

Whereas it is expedient further to amend the Assam Agricultural Income Tax Act, 1939, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

**Assam  
Act IX  
of  
1939.**

It is hereby enacted in the Sixty-eighth Year of Republic of India as follows :-

**Short title,  
extent and  
commencement .**

1.(1) This Act may be called the Assam Agricultural Income Tax (Amendment) Act, 2017.

(2) It shall have the like extent as the principal Act.

(3) It shall be deemed to have come into force on the first day of April, 2016.

**Insertion of  
section 4A .**

2. In the principal Act, after section 4, the following new section 4A shall be inserted, namely:-

**“4A. Exemption from payment of Tax payable under the Act.-** Subject to such conditions as it may impose, the State Government may, if it is necessary so to do in the public interest, by notification in the Official Gazette, grant exemption from payment of the whole or any part of the tax payable under the provisions of this Act:

Provided that the State Government may grant such exemption retrospectively.”

**STATEMENT OF OBJECTS AND REASONS**

In tune with Government of India's initiative to promote digital payment and to move towards less-cash economy, the Government of Assam announced series of incentives under "Pay Digitally to Pay Less" Scheme.

2. In order to implement above announcement to bolster digital payment, an enabling provision is required to be inserted in the Assam Agricultural Income Tax Act, 1939 so as to empower the State Government to grant exemption from payment of tax under the said Act.
3. Accordingly, clause 2 of the Bill seeks to insert a new section 4A in the Act to empower the State Government to grant exemption in public interest by notification in the Official Gazette.
4. The Bill seeks to achieve above object.

**HIMANTA BISWA SARMA**

(Minister, Finance)

**M. K. DEKA,**

Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

The Bill proposes to amend the Assam Agricultural Income Tax Act, 1939.

There is no provision in the Bill which would involve the recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

**MEMORANDUM OF DELEGATED LEGISLATION**

The Bill involves the following proposals for delegation of legislative power, namely:-

Section 4A inserted for empowering the State Government to grant exemption from payment of agricultural income tax in public interest by way of issuance of notification in the Official Gazette.

2. The matters in respect of which notification may be issued in accordance with the provisions of the Bill is either administrative in nature or matters of procedure and detail and it is not practicable to provide for them in the Bill itself.

3. The abovementioned proposal for delegation of legislative power is, therefore, of a normal character.

**THE ASSAM AGRICULTURAL INCOME TAX ACT, 1939.**

Existing provision	Proposed Amended provision
<p><b>4. Exemption</b> - Except as provided elsewhere in this Act, agricultural income-tax shall not be assessed on, and be payable by an assessee in respect of –</p> <p>(i) any income which he receives as a member of a Hindu joint or undivided family where agricultural income of such family has been assessed to agricultural income-tax under this Act;</p> <p>(ii) any sum which he receives by way of dividend as a shareholder in any company where the agricultural income of the company has been assessed to agricultural income tax under this Act;</p> <p>(iii) such an amount of the agricultural income of any firm which has been assessed to agricultural income-tax under this Act as is proportionate to his share in the firm at the time of such assessment as is received by him; See :Rule 22</p> <p>(iv) any sum which he receives as his share of the agricultural income of an association of individuals other than a Hindu joint or undivided family, company or firm where such agricultural income has been assessed to agricultural incometax under this Act;</p> <p>(v) any sum which he receives after the tax in respect thereof has been assessed under section 9 to 14 and realised.</p> <p>(vi) any income which he derives from an agricultural activity other than income derived from cultivation of tea.</p>	<p><b>4. Exemption</b> - Except as provided elsewhere in this Act, agricultural income-tax shall not be assessed on, and be payable by an assessee in respect of –</p> <p>(i) any income which he receives as a member of a Hindu joint or undivided family where agricultural income of such family has been assessed to agricultural income-tax under this Act;</p> <p>(ii) any sum which he receives by way of dividend as a shareholder in any company where the agricultural income of the company has been assessed to agricultural income tax under this Act;</p> <p>(iii) such an amount of the agricultural income of any firm which has been assessed to agricultural income-tax under this Act as is proportionate to his share in the firm at the time of such assessment as is received by him; See :Rule 22</p> <p>(iv) any sum which he receives as his share of the agricultural income of an association of individuals other than a Hindu joint or undivided family, company or firm where such agricultural income has been assessed to agricultural incometax under this Act;</p> <p>(v) any sum which he receives after the tax in respect thereof has been assessed under section 9 to 14 and realised.</p> <p>(vi) any income which he derives from an agricultural activity other than income derived from cultivation of tea.</p> <p><b>4A. Exemption from payment of Tax payable under the Act.</b>-Subject to such conditions as it may impose, the State Government may, if it is necessary so to do in the public interest, by notification in the Official Gazette, grant exemption from payment of the whole or any part of the tax payable under the provisions of this Act:</p> <p><i>Provided that the State Government may grant such exemption retrospectively.</i></p>

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.